

## Message Text

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PAGE 01 STATE 269777  
ORIGIN ERDA-07

INFO OCT-01 EUR-12 EA-10 ISO-00 ACDA-12 CIAE-00 INR-07  
IO-13 L-03 NSAE-00 NSC-05 EB-08 NRC-05 OES-07  
FEAE-00 DODE-00 SS-15 SP-02 PM-05 /112 R

DRAFTED BY USDOE: E MCFADDEN:SMJ/BAT  
APPROVED BY OES/NET/EIC: D B HOYLE  
U.S.DOE: R SLAWSON  
L/OES: R SLOAN  
ACDA: R WILLIAMSON  
PM/NPP: A LOCKE  
T/D: D WELCH  
IO/SCT: A JILLSON  
EA/J: S ECTON  
OES/NET: J BORIGHT

-----075500 111400Z /45

P R 110332Z NOV 77  
FM SECSTATE WASHDC  
TO AMEMBASSY VIENNA PRIORITY  
INFO AMEMBASSY TOKYO

C O N F I D E N T I A L STATE 269777

USIAEA

E.O. 11652: GDS

TAGS: IAEA,TECH,PARM,JA,CA,US,UK,FR,AS

SUBJECT: ENTRY INTO FORCE OF IAEA/JAPAN NPT SAFEGUARDS  
AGREEMENT

REFERENCE: VIENNA 9099

1. ALTHOUGH WE RECOGNIZE THAT ARTICLE XII.B OF U.S.-JAPAN  
AGREEMENT FOR COOPERATION (AS AMENDED BY U.S. JAPAN PROTO-  
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COL OF DECEMBER 21, 1973) MIGHT SERVE AS MECHANISM FOR  
SUSPENSION OF U.S.-IAEA-JAPAN SAFEGUARDS TRANSFER AGREEMENT  
(STA), WE PREFER CONCLUSION OF US-IAEA-JAPAN SUSPENSION  
PROTOCOL IN ACCORDANCE PROCEDURE FOLLOWED TO SUSPEND STA'S  
IN PAST. THIS IS PARTLY BECAUSE WE ARE RELUCTANT TO USE  
A PROVISION IN A BILATERAL AGREEMENT TO SUSPEND AN AGREE-  
MENT INVOLVING A THIRD PARTY (IAEA) , BUT MAINLY BECAUSE

TRILATERAL PROTOCOLS REQUIRE COUNTRIES CONCERNED TO SATISFY U.S., NOT MERELY THE AGENCY, THAT ANY MATERIAL USED IN A NON-PROSCRIBED MILITARY ACTIVITY IS NOT SUBJECT TO NO-MILITARY-USE GUARANTEE OF U.S. AGREEMENTS FOR COOPERATION.

2. MISSION IS REQUESTED, THEREFORE, TO PROPOSE TRILATERAL SUSPENSION PROTOCOL BASED ON DRAFT IAEA-KOREA-U.S. PROTOCOL TRANSMITTED TO MISSION BY IAEA (RANER) LETTER

OF 21 NOVEMBER 1975, MODIFIED BY CHANGES SPECIFIED IN GABBERT REPLY OF 2 FEBRUARY 1976, BY CHANGE SUGGESTED IN PARA 3 BELOW AND (UNLESS MISSION OR AGENCY SEES OBJECTION) BY ADDITION PROPOSED IN PARA 4 BELOW.

3. UNTIL U.S. VOLUNTARY OFFER AGREEMENT WITH IAEA ENTERS INTO FORCE, AGENCY WILL HAVE TO CONTINUE APPLYING SAFEGUARDS IN U.S. UNDER STA ON PLUTONIUM PRODUCED IN JAPAN (OR MATERIAL SUBSTITUTED THEREFOR). CONSEQUENTLY, ONLY THE APPLICATION OF SAFEGUARDS IN JAPAN UNDER STA CAN BE SUSPENDED NOW. SUSPENSION PROTOCOL SHOULD MAKE THIS CLEAR. ACCORDINGLY, SUGGEST INSERTING IN TITLE AFTER FIRST TWO WORDS AND IN FIRST OPERATIVE PARAGRAPH AFTER THE FIRST LINE THE FOLLOWING PHRASE QUOTE THE APPLICATION OF SAFEGUARDS IN JAPAN UNDER UNQUOTE.

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4. ALSO SUGGEST CONSIDERATION BE GIVEN TO AN ADDITIONAL OPERATIVE PARAGRAPH DESIGNED TO AVOID NEED FOR NEW SUSPENSION ACTION ON THIS STA WHEN U.S. VOLUNTARY OFFER SAFEGUARDS AGREEMENT ENTERS INTO FORCE. POSSIBLE LANGUAGE MIGHT BE QUOTE THE PROVISIONS OF THE SAFEGUARDS TRANSFER AGREEMENT FOR THE APPLICATION OF SAFEGUARDS IN THE UNITED STATES OF AMERICA SHALL CONTINUE UNTIL THE DATE OF ENTRY INTO FORCE OF THE U.S.-IAEA SAFEGUARDS AGREEMENT APPROVED BY THE BOARD ON 17 SEPTEMBER 1976. THEREAFTER, SAID PROVISIONS OF STA SHALL BE SUSPENDED DURING THE TIME THE SAFEGUARDS SPECIFIED IN THE U.S.-IAEA SAFEGUARDS AGREEMENT ARE BEING APPLIED BY THE AGENCY. UNQUOTE.

5. WE NOTE THAT OF PREVIOUS PROTOCOLS SUSPENDING STA'S TO WHICH U.S. IS PARTY, ONLY THE ONE WITH AUSTRALIA REFLECTED DISTINCTION INDICATED PARA 3 ABOVE, I.E., FACT THAT ONLY THE SUSPENSION OF SAFEGUARDS IN THE OTHER NATION WAS INTENDED AT THE TIME. BELIEVE THIS SHOULD BE COVERED IN ALL FUTURE SUSPENSION PROTOCOLS, INCLUDING THE KOREAN. ALSO BELIEVE ALL FUTURE SUSPENSION PROTOCOLS SHOULD CONTAIN PROVISION SUCH AS THAT SUGGESTED PARA 4

ABOVE, UNLESS MISSION OR AGENCY SEES OBJECTIONS.

6. ADVISE.

7. FOR INFO ADDRESSEES: MOST SIGNIFICANT CHANGE  
SPECIFIED IN GABBERT 2 FEBRUARY 1976 LETTER (PARA 2  
ABOVE) WAS ADDITION OF STATEMENT THAT U.S. AND KOREA  
QUOTE REAFFIRM THEIR MUTUAL UNDERSTANDING UNQUOTE THAT  
THE USES PRECLUDED BY THE AGREEMENT FOR COOPERATION'S  
GUARANTEE AGAINST USE OF TRANSFERRED MATERIAL/EQUIPMENT

OR PRODUCED MATERIAL FOR ATOMIC WEAPONS, FOR R&D ON SAME,  
OR FOR ANY OTHER MILITARY PURPOSE QUOTE INCLUDE USE FOR  
ANY NUCLEAR EXPLOSIVE DEVICE OR FOR RESEARCH ON OR  
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DEVELOPMENT OF ANY NUCLEAR EXPLOSIVE DEVICE UNQUOTE.  
AS SEOUL AWARE, KOREA REJECTED THIS, NOTING THAT  
PREVIOUS SUSPENSION PROTOCOLS HAD NOT CONTAINED THIS  
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WAS HENCEFORTH TO BE INCLUDED IN ALL NEW U.S. NUCLEAR  
COOPERATION AND SAFEGUARDS AGREEMENTS AND RELATED  
AMENDMENTS AND PROTOCOLS. HOWEVER, KOREA HAS NOT YET  
AGREED TO THIS ADDITION; AND, THEREFORE, SUSPENSION  
PROTOCOL HAS NOT BEEN CONCLUDED. VANCE

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ORIGIN OES-03

INFO OCT-01 ISO-00 /004 R

166011

DRAFTED BY: WA MOFFITT

APPROVED BY: WA MOFFITT

-----111573 122352Z /64

R 120430Z NOV 77

FM SECSTATE WASHDC

INFO RUEHBAC/AMEMBASSY CANBERRA 5253

AMEMBASSY LONDON  
AMEMBASSY OTTAWA  
AMEMBASSY PARIS  
AMEMBASSY SEOUL

C O N F I D E N T I A L STATE 269777

USIAEA

FOLLOWING REPEAT STATE 269777 ACTION VIENNA INFO TOKYO NOV 11.

QUOTE C O N F I D E N T I A L STATE 269777

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E.O. 11652: GDS

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** NPT, AGREEMENTS, TREATY ENTRY INTO FORCE  
**Control Number:** n/a  
**Copy:** SINGLE  
**Sent Date:** 11-Nov-1977 12:00:00 am  
**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** E MCFADDEN:SMJ/BAT  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D770417-0458  
**Format:** TEL  
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**Handling Restrictions:** n/a  
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**Litigation History:**  
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**Message ID:** 97ff111c-c288-dd11-92da-001cc4696bcc  
**Office:** ORIGIN ERDA  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 6  
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**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 77 VIENNA 9099  
**Retention:** 0  
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**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 621568  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** ENTRY INTO FORCE OF IAEA/JAPAN NPT SAFEGUARDS AGREEMENT  
**TAGS:** TECH, PARM, JA, CA, US, UK, FR, AS, IAEA  
**To:** VIENNA USIAEA  
**Type:** TE  
**vdkgvwkey:** odbc://SAS/SAS.dbo.SAS\_Docs/97ff111c-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009